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THE
TRIAL
BETWEEN
MRS. DOCKSEY,
(Sister of the late David Garrick, Esq.)
PLAINTIFF,

AND
MR. STEPHEN PANTING,
Of the City of Lichfield,...Apothecary,...Defendant,
IN EJECTMENT.

BEFORE
Baron Thomson and a Special Jury.
AT STAFFORD LENT ASSIZES, 1796.

TO WHICH IS PREFIXED,
THE SPEECH
OF THE HONOURABLE
THOMAS ERSKINE,
ON THE PART OF THE PLAINTIFF.

Stafford, printed and sold by Joshua Drewry, at the office of the *Staffordshire Advertiser*; sold also by Jackson, and Morgan, Lichfield; Chester, and Smith, Newcastle; Chester and Mort, Hanley; Smart, and Simpson, Wolverhampton; Knott, Lombard-street, London; and all other booksellers.

Entered at Stationers' Hall.

X

Harrison, on the demise of Docksey,
Widow,---Plaintiff,

versus

Panting,---Defendant.

IN EJECTMENT.

SPECIAL JURY.

Sir ROBERT LAWLEY, Bart.

THOMAS ANSON,

THOMAS BAINBRIGGE,

RICHARD DYOTT,

MATTHEW BOULTON,

GEORGE MOLINEUX,

SHAPLAND SWINY,

} Esquires.

TALES.

WILLIAM MOUSLEY,

JOSEPH GRUNDY,

JOHN FEREDAY,

JOHN SIMPSON,

WILLIAM MILNER.

COUNSEL.

For the Plaintiff.

Mr. ERSKINE.

Mr. LEYCESTER.

Mr. LANE,

Mr. JERVIS.

For the Defendant.

Mr. PLUMER.

Mr. MILLS.

Mr. PEMBERTON.

Mr. ABBOTT.

SOLICITORS.

Mr. HINCKLEY,

Mr. PANTING.

Journal of the Rev. John D. ...

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Mr. JERVIS opened the pleadings.

Mr. ERSKINE—"It is with considerable emotion that I address myself to your lordship, and to you, gentlemen of the jury, in this solemn place,* a place consecrated to God—to Religion. I am sorry that I am obliged to bring forward a cause like this in such a place; but I am forced of necessity to do it; the conduct of the defendant in this cause obliges me to do it.—The office of religion, gentlemen, you well know, is to afford the best and happiest consolation of life—to teach men what they owe to each other,—what they owe to themselves—to teach us the moral duties, many and important in life. Gentlemen, I come here to ask for your verdict, not merely for the purpose of determining this cause, but also for an example to others, how they act in the manner which I shall shew to you the defendant in this cause has done;—what the law is, his lordship in his charge to you, will inform you.—Gentlemen, I have the honour of here representing the sister of the immortal GARRICK, a man too well known to need a comment on him here,—of amiable and endearing manners in his private life—a man universally respected for his good qualities,—as universally admired for his abilities. The late Mr. Peter Garrick (under whose will made in 1791 his sister Mrs. Docksey, the present plaintiff, claims) was bred to the navy, but retired early to private life; he lived for some years with his celebrated brother:—some time prior to 1769 he left London, and then retired to Lichfield; at which place he resided from that time till his death, which happened on the 12th of December, 1795. [Here a copy of the register was shewn to the jury.]

* The Assizes are obliged to be held in the Church till the new Town Hall is erected.

Gentlemen, I am happy to see you observe that paper with attention, as it convinces me you will do the same to such others which may be produced to you this day.—When Mr. Garrick retired to Lichfield, or in a short time afterwards, he entered into the wine trade with a friend, a Mr. Richard Bailye, a gentleman still living, and who, fortunately for us, but unfortunately for the defendant, we have now here, though upwards of 80 years of age; with him Mr. Garrick carried on this trade for some years, and by his will made in 1791—the will, as I before stated, under which my client claims—he leaves this Mr. Richard Bailye £100, not, gentlemen, as a legacy, intended for the benefit of Mr. Bailye, because he well knew Mr. Bailye wanted it not, but merely as a token of his affection.—Gentlemen, Mr. Garrick was a man of regular life, punctual in the performance of the moral duties, friendly and affectionate to his family and near relations; and in 1791 he made a disposition of his property where affection and reason pointed it should go. This will was similar to others he had before made, except as time and circumstances occasioned alterations. I say, gentlemen, under the guidance of affection and reason, he made a will in 1791, by which his property was given (as surely it ought) to near and dear relations; the value of this property was very considerable, to the amount of between 20 and 30,000*l.* part acquired by Mr. Peter Garrick, and part descending to him by the will of the late Mr. David Garrick. This will was made by Mr. Hinckley, a gentleman living at Lichfield—a gentleman of known respectability. It cannot be supposed that, coming here a stranger, wanting knowledge of this county and its inhabitants, I need say to you, gentlemen, residing in the county, and probably some of you in the vicinity of Lichfield, what the character of Mr. Hinckley is; but I should be wanting in that duty which I owe to Mr. Hinckley, which is due to every gentleman like him, acting with honour

honour and probity ; I say, gentlemen, I should be wanting in justice to Mr. Hinckley, if I did not mention how much I esteem and reverence every one like him ; I have seen him in difficult and trying situations, but a man of a more manly and upright mind I never knew ; and much more pleasure would it have given me to have said this to you when Mr. Hinckley was not present.

Gentlemen, Mr. Bailye continued to live within a few doors of Mr. Garrick till the time of his death. Mr. Hinckley also resided a very short distance from Mr. Garrick—the one was his confidential attorney, the other his dearest friend, with whom he continually conversed, and whom he consulted on all his affairs : in 1794, Mr. Garrick having then arrived at the great age of 80—nay, sooner than 1794, even in 1793, Mr. Garrick, whose regular way of life had continued him his health & faculties till that time, fell then into that unhappy situation, an imbecility of mind, a situation of all others the most deplorable, but which it is probably well that we sometime see, to remind us of our mortality. To this state some are reduced by their own imprudences, some by a sudden shock of the mental powers, and some by the malevolence of man acting against man : Mr. Garrick's was a natural and gradual decay. In this state, when we lose all we wish to live for ; in this situation, which in far better terms than I can otherwise express it, our immortal poet thus describes :

There is, saith the Angel, if thou well observe
The rule of not too much, by temp'rance taught,
In what thou eat'st and drink'st, seeking from thence
Due nourishment, not gluttonous delight,
Till many years over thy head return :
So may'st thou live, till like ripe fruit thou drop
Into thy mother's lap, or be with ease
Gather'd, not harshly pluck'd, for death mature :

This

This is old age ; but then thou must outlive
 Thy youth, thy strength, thy beauty, which will change
 To wither'd, weak, and grey ; thy senses then
 Obtuse, all taste of pleasure must forego,
 To what thou hast ; and for the air of youth,
 Hopeful and chearful, in thy blood will reign
 A melancholy damp of cold and dry
 To weigh thy spirits down, and last consume
 The balm of life.—

In such a condition was Mr. Garrick, and if there is any case in which one man should consider himself as a magistrate and guardian to another, it is in such a state. The society of which we are members (and probably no society in the world is better calculated for the advantage of its members) is bound together by the social chain of humanity ; there are various passions by which this chain may be broken, and by none is it so frequently injured, as by the detestable passion of avarice. You will hear when his Lordship delivers his charge to you, that those who unhappily are in such a situation as I have described, and children who have not yet attained to that age which enables them to judge for themselves, are those who are most immediately under the protection of the laws of this country : nay, every man who is possessed of the least compassion will in such case consider himself as the guardian of these unhappy objects ; and last, though not least, they particularly have a claim on the friendship, guardianship, and humanity of the learned professions ; and by these professions give me leave to say, the world at large is greatly benefited : by the learned professions I mean, as you doubtless understand, divinity, physic, and law. These give the sentiments of moral duty, the principles of humanity, the glow of benevolence.—But gentlemen I am afraid there is no society in which unworthy members may not be found ;—should any one doubt

doubt this, I have too strong a proof in the conduct of the person who now comes forward to defend this cause, to admit of such a doubt continuing. This defendant, (what name I shall hereafter call him I cannot say) this defendant was employed by Mr. Garrick in his old age, when the apothecary of the mind as well as body was wanting: Mr. Garrick had employed a Mr. Green of Lichfield, after whose death he continued to employ his son; this younger Mr. Green was called to attend the militia (I believe) in 1793; at that time, and on that account, he took this Mr. Stephen Panting as a partner, and in March 1793, he wrote a letter to Mr. Garrick, recommending Panting to him; this, gentlemen, was in 1793, in the month of March, only three years ago, and this was the first time Mr. Panting ever saw Mr. Garrick; in March 1793 was his first introduction to him, to the man the whole of whose property he now claims. Was he introduced to him as a companion, as to one of his own years? No! it was to an old man, a man then 80 years of age; Panting was a young man, at present scarce more than 30. Mr. Garrick had then, as he deserved, the character of an excellent man; he had settled his affairs; he had made his will; this will was deposited, sealed up, in his scrutoire: this will, as I before said, was a copy of others, except as Mr. Garrick's property had altered. When, gentlemen, you are reminded of who Mr. Garrick was, of what his character was, and the manner and time of the introduction of this man, of this Panting, to him, shall I find credit with his Lordship—shall I find credit with you, and with the many hearers I now have in this court, when I tell you, that only fourteen months after the introduction of this man, in the way I have already stated, in fourteen months only, did Mr. Garrick, by deeds irrevocable—deeds which if founded in justice could never have been altered or set aside—deeds made in the presence of no one—in a private

vate way—did Mr. Garrick, without consulting his friend, his old, his esteemed friend, Mr. Bailye, without consulting his constant and confidential attorney, Mr. Hinckley, give to this man, what?—a jewel?—a ring?—a house?—a library of books?—No! not this, nor that, but all!—The defendant by these deeds is to take all Mr. Garrick was possessed of—and when?—on the death of this widow?—No!—for carried down by the torrent of avarice, he sweeps all before him!—no memorials and testimonies of affection—no remembrances to relations or intimate friends—all, entirely all, is turn'd out of that current in which reason and affectionate regard would direct they should flow, into the corrupted, profligate, and abandoned bosom of a man, who, instead of being the plunderer & destroyer, as he has proved himself, ought to have been the careful attendant and preserver of this poor man.

Gentlemen, it is not for Mrs. Docksey only that I ask your verdict; twelve children, twelve beautiful children, also claim it. Shall a house illustrious in itself, a name rendered illustrious by abilities, be ruin'd by the villainy of this man, who instead of being the protector which from the confidence placed in him he ought to have been, has the effrontery to come into this court, into this sacred place, to ask a jury to sanction a fraud, a robbery.—Gentlemen, these are strong words, but they are just ones. I should deem myself highly culpable to use such expressions, if I could not prove them just ones.—A man is, and ought to be, deeply responsible in his own person for what he says; if he goes out of the cause, if he states what is not relevant to it, or what he cannot adduce proofs to justify, the reflection he means to cast upon others, ought not wholly to recoil on his client, but on himself as well. Gentlemen, I know not what has been the character of this man; if he had a fair
character

character, he has undoubtedly very much imposed upon the world; but if he has had it, that character he has now no longer—it is for ever lost—but thus severely taught by early experience, I hope the future of his life will prove, that he is convinced honesty is ever the best policy.

I am instructed that my learned friend means to prove that Mr. Garrick had a great regard for this man. It is very probable that a man in Mr. Garrick's situation, should have a regard for another, who administered medicines, or such things as relieved him. Gentlemen, I shall not ask his lordship to tell you, that because the plaintiffs were the nearest relations of Mr. Garrick, they therefore ought to have your verdict. God forbid you should strain the law in any respect to favour my clients, or that those foundations on which society is built, should be in any degree injured by it. God forbid, I say, that the law should be violated by it, and more particularly so that you should violate it from any thing I say. *Ampliare justitiam* is the mother of the law, not *ampliare jurisdictionem*. If I do not entitle myself to this estate by the law under which you enjoy yours, let me not have your verdict.

Having thus stated the case, I will now shew you, gentlemen, what evidence I have to prove it—The first evidence I shall call is Mr. Hinckley, of whom I have spoke to you, though in terms far short of his merit;—he will shew what passed between Mr. Garrick and himself with regard to the will, and what were the views of Mr. Garrick towards his relations. You will next have Mr. Richard Bailye, who was the intimate friend, and lived within a few doors of Mr. Garrick; he will state the imbecility of his mind, and will inform you how fixed an object of his regard,—of his affectionate

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regard,

regard,--his sister was :...that in 1793, this sister, whom in the deed by which the defendant claims, he was supposed to have forgotten, whose children he is also supposed to have forgotten,--in 1793 Mr. Garrick was even in an agony of mind,--not merely sorry, but quite in an agony,--at a casual and short absence of this sister; that he sent for Mr. Bailye, and desired him to write to request she would come home; that a most affectionate meeting took place between them when she did return.

Gentlemen, in 1794 Mr. Garrick's diseases increase: he took medicines which were not safe to be administered by any but a medical gentleman. When these diseases had dragged down his mind to second childhood, it was necessary to give him opium. Opium, gentlemen, is a power friendly to life, but it must be carefully and properly administered. When under the influence of this narcotic, Mr. Garrick was totally different to what he was at other times; not that I wish to rest my case on this, or on saying that too great quantities of it were administered; but, gentlemen, I will shew to you, that Mr. Garrick, in his ordinary life, and before this weakness in the mental powers, was abstemious and æconomical; but when under the power of opium he would take his purse, would pour the money into your lap, and give you all he had.

Mr. Fernyhough, who lived opposite to Mr. Garrick, was with him on the 20th of January, 1795. He was an old acquaintance of Mr. Garrick, an acquaintance of his better days; he perceived the change in Mr. Garrick's mind. When, gentlemen, there is a gradual decay in the powers of men of ordinary abilities, it is scarce perceptible, and difficult to fix on the time when it begins; but when a man, like Mr. Garrick, of great abilities, experiences this decay, it is perceptible and plain to all.

Mr.

Mr. Fernyhough will prove to you, that he was with Mr. Garrick on or about the 20th of January 1795, and that Mr. Garrick said to him, "I want to give you some money—you shall buy you some land—you shall buy you a cow." But Mr. Fernyhough, like an honest man, refuses it. On which Mr. Garrick says, "Ah! why will you not have it?—You will not be a friend to me; you will not have my money. I have more than I know what to do with—why will you not have it?"—Afterwards he says, "Whose land is that?" pointing to some opposite his house; "and whose is this?" pointing to some adjoining to his house; "you shall buy this for me—and you shall buy that for me—and I will lay it all together, and make a park."

Mr. Samuel Wilcock will shew to you, that Mr. Garrick offered him a 50l. note, thinking that he was his banker; and on being told that Mr. Cobb was his banker, he recollects himself and says, "Oh, aye, I remember he is." In a short time afterwards, when Mr. Wilcock was retiring, he again forgets himself and says, "Oh, but you are going without this 50l."

This, gentlemen, is the mournful exhibition of a worn-out mind. My learned friend may perhaps tell you, that Mr. Garrick had his recollective powers—that he could play at cards—that he knew the king, the queen, and so on. However this might be, if they stay to finish the rubber, I believe we shall plainly shew, who it was that played the Knave.

Mr. Allport, a neighbour of Mr. Garrick's, whom I shall call—(though if I call on all the witnesses whose names I have in this brief, I should keep his lordship and you here much longer than the time allowed for transacting business here, and I may truly say, that I have

not literally had time to examine the whole list of names which now lie before me as witnesses in this cause)—Mr. Allport, gentlemen, called for the rent of a seat which Mr. Garrick held in the cathedral; (this was in the year 1794, subsequent to which period the deed of defendant was made);—when Mr. Garrick saw him, he asked what he owed him money for; he was told for the rent of a seat in the cathedral—“of a seat! have I a seat in the cathedral?”

It will be proved to you that on the 21st of January, 1795, the bells were ringing for the marriage of Miss Gresley, the grand-daughter of Lady Gresley, an old acquaintance of Mr. Garrick, he asked Mrs. Hand, as she will tell you by and bye, “what are the bells ringing for?”—“for the marriage of Miss Gresley with Mr. Willoughby”—“Miss Gresley? who is she?”—“the grand-daughter of Lady Gresley”—“Lady Gresley? who is she? where does she live?”—“why, sir, you know Lady Gresley, she lived in Lichfield, she has been dead some years; Miss Gresley has lived since with her aunt Mrs. Gramer.”—“Mrs. Gramer? who’s she?”—“She lives in this street, sir,—you know her—you have often drank tea with her.”—“Have I? but who is she? where does she live?”—In such a state as this, it is no wonder if Mr. Garrick should forget his relations—if he should forget his sister Mrs. Docksey, his niece Mrs. Patin, and his other relations; but, gentlemen, was he in a proper state to dispose of his property?

Gentlemen, there is a passage in Mr. Garrick’s house from the street: in this passage there are two doors; one leads into Mr. Garrick’s house, the other to the house adjoining. Mr. Garrick had gone into the street, and at the distance of only ten or fifteen yards from his own house he was totally lost—he cried out for help, and when

when taken into his own house he knew it not—he knew not his servants whom he saw daily.—When I came to this part of my brief, gentlemen, when I considered the striking likeness between Mr. Garrick and his late immortal brother, I could not help fancying that I saw that gentleman—that I saw the immortal GARRICK himself—in that part of the character of Lear where he says,

———— Pray do not mock me ;
 I am a very foolish fond old man
 Four score and upward ; and to deal plainly,
 I fear I am not in my perfect mind.
 —Methinks I should know you, and know this man,
 Yet I am doubtful ; for I am mainly ignorant
 What place this is ; and all the skill I have
 Remembers not these garments , nor do I know
 Where I did sleep last night.”

Such are the words of our immortal bard, and such the condition of this poor man !

Gentlemen, Mr. Garrick was very fond of his garden, of seeing it cultivated, of examining its produce :—these delights I wish we were all more capable of enjoying ; delights far more innocent than man in general is fond of :—he came into the garden at a time when the weather was very cold, when it was a severe frost, and wanted some figs to eat ; when told there were none, “ can I then have one at Mr. Inge’s ? ”—the man told him it was not the season. “ Oh ! dear, I am sorry I cannot have a fig.”

Mr. Stringer called for the land-tax—what does Mr. Garrick ?—he takes the bill, seems to observe the contents, and then asks Mr. Stringer what he wants ; when told, “ then I will pay you ; ” yet he forgets again, and
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is obliged to be reminded again before he pays it. Oh! miserable state! happy shall I be when I have done describing it! This I should have been happy to have avoided; but by no other means could I have shewn this barbarian of a defendant, or the corrupt manner in which he has acted. I should much rather he had been in sound mind, but it is on the merits of the cause only that we can try it.

Gentlemen, I have another witness to offer,—a witness with a vengeance;—I will make the man himself come forward, the man who attempts this injury;—I will prove to you what this man has said;—out of his own mouth will I condemn him. It is happy for mankind that God has so ordered things, that wickedness will disclose itself, even through the veil which its agents attempt to draw over it. This man himself says, “Mr. Garrick is childish.”

I now come, gentlemen, to another transaction which happened on the 20th of January, 1795:—Stephen Panting, who came to Mr. Garrick’s in the most confidential manner, (for no one follows a medical gentleman to the bed of sickness) on the 20th of January took from Mr. Garrick a promissory note to this effect:

“ I promise to pay upon demand, to Mr.
 “ Stephen Panting, 525l. with interest
 “ for the same, as a mark of my gra-
 “ titude for the benefits he has con-
 “ ferred on me and my family.”

His lordship will tell you, that if Mr. Garrick was not then in his senses, it must be void. If he was possessed of his reason, what may we suppose he then said?—“ I appreciate Mr. Panting’s services at 500l. but as it is
 not

not convenient for me to pay him this sum immediately, I will give him a note payable with interest.

I address myself to his lordship,—I address myself to you;—will you suffer me to proceed?—Shall a court like this suffer evidence to be produced to shew, that within seven days after Mr. Garrick had appreciated the services of Mr. Panting at 500*l.* (probably 499*l.* 19*s.* 6*d.* more than they were worth) in this short time he privately and in secret makes a codicil to the will, which, as I have before said, was professionally made—a will which had been left sealed up, and after his death was found so—he makes a codicil totally contradictory to this will. This codicil I believe the brother of the defendant, an attorney, prepared. Of him I shall say nothing;—but of the defendant, how can I find words to express my abhorrence and detestation! how can I express myself with any degree of moderation!—If this cause proceeds, if they think proper to defend it, I shall advise my client to prosecute the parties with the utmost rigour. I shall request his lordship to order that the deeds be impounded, and I will shew the defendant to all the world as he is.

The codicil, gentlemen, begins thus :

“ I Peter Garrick, of the city of Lichfield, esq. being of sound mind, memory, and understanding” [Judge, gentlemen, from what I have stated, and from what I shall prove to you, how far this is true] “ do make this codicil to my last will and testament, whereby I do revoke all my will so far as relates to my personal estate, and confirm it so far as relates to my freehold.”

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He afterwards gives all his money securities, and all his personal estate,—all, entirely, gentlemen,—to Stephen Panting! This will is dated the 27th of January, 1795, and of this he makes two parts.

Now, gentlemen, I will shew to you that this man knew, or his brother, who is an attorney, could tell him, what is as clear as the light of the sun, which now shines through that window, and may probably in a short time rather incommode you, that by the statute law of this country, a statute passed for the wisest purposes, freehold estates should not pass by will without there were three witnesses to it: this man had no witnesses to his codicil, for I may rather say it was his than Mr. Garrick's—and why? because he says, if I call in the neighbours, if I call in disinterested people, they will see the situation of Mr. Garrick, and they will either expose what I am doing, or prevent it being done.—Methinks I hear Mr. Panting say, “as I cannot safely take the freehold, I will now take the personal estate only. I will make a codicil without the knowledge of any human creature, and I will take all the personal property.”

Where, gentlemen, is our safety, if deeds like this should operate?—happy for us all is it that they will not.—Here is shewn the folly of mankind, who, grasping at too much, lose all. But guilt will confound itself—“Conscience makes cowards of us all:”—and well is it said, “murder will speak, though thousands strive to hide it.”—It is often that where we wish to hide what will not bear the light, we act with over caution, and this over caution betrays as many as the want of caution. So it was with Mr. Panting; he was over cautious, for he makes this poor old man say, (though in Stephen Panting's own writing, and signed by Mr. Garrick) “I wish not to have any witness called in.”

Why

Why so?—he had before had a will legally made; he was not then afraid to have any witness; and why so now? Because, gentlemen, it was the fear of Mr. Panting, not of Mr. Garrick.

Again I think I hear Mr. Panting say, “won’t it appear strange that I suffered Mr. Garrick to do this? that I who attended him as his apothecary, should permit him to do so?—but it was Mr. Garrick’s own wish, and therefore I cannot be blamed.”

It may be asked, why did not Mr. Panting open the will at this time, that the codicil might be compared with it?—but no, there was danger there—“if I open this will, and it should be seen, some one may suppose Mr. Garrick has made a fresh disposition of his estate, and it may cause enquiries.”

You will remember, gentlemen, that on the 20th of January, Mr. Panting’s services were, as I have before shewn, appreciated at 500 guineas: but, in seven days after, he comes forward to claim all Mr. Garrick was possessed of!—I will ask you a question—by what process could he earn this?—in the name of God, what did he, in this one week, what could he do in that short space, to merit so very much?—it could not be by the medicines he administered.——

I am told that my learned friend means to prove, that the quantities of opium given him were small; perhaps they were; perhaps not more than you might purchase for 18d. Was it for this that Mr. Garrick, who on the 20th had appreciated Mr. Panting’s services at 500g. should, on the 27th, give him all his personal property whatever? He did not then, it is supposed, recollect Mrs. Docksey, or Mrs. Patin, or his other nieces and
C nephews.

nephews. No, Panting spared them then ; he lets them have the freehold, which by the will he knew he could not safely take.

Well, gentlemen, I will now mention another transaction of this worthy Mr. Panting :—in March (about two months after) he wants some money. A note, with interest, would not now do ; he wanted some ready money. He gets from Mr. Garrick 400l. in a note or draft upon his banker ; for this he gives his note, payable with interest. Why not get the note paid that was already given ? No—that must lie hid as yet, while he still plays upon Mr. Garrick. To accomplish his aim he still hatches new plots. Were I to expose them all, I should keep hatching, hatching, and hatching, till your patience was entirely exhausted ; and what at last would be the produce ?—why, a monster, who dare not appear.

Of this transaction which I last stated, it evidently appears, Mr. Garrick was not conscious. He would, in the same manner, have given his money to you, to me, to any one,—if any one besides the defendant could have been found so base as to take it.—Had Mr. Garrick been conscious what he was doing, what would he have said ? “ Mr. Panting, you know I am dying ; a diarrhoea has destroyed my body and my mind. I can exist but a short time longer. When I am dead, all I have will be yours. Why then should you give me this note ? In a few months it must return to yourself. Why should I have it ? ”

The defendant, gentlemen, had now the amazing patience to wait till May following,—to wait for near two months longer !—ere he drains this poor man again. But then this horse-leech wants more blood : he knows, as I
before

before said, a will without witnesses will be of no use as to the freehold estate. By what way then, says he, shall I lay hold of these? Why, I will have a conveyance of them. Of what?—of SOME land? of SOME houses?—No—not of part of the property, but of ALL—of his estate in Essex—of his property in possession—of his property in reversion—in a word, of every thing!!—By lease and release, dated the 2d and 3d of May, 1795, did Mr. Garrick, by deeds irrevocable, give all his property to the defendant. On the back, gentlemen, is indorsed, “signed, sealed, and delivered by Mr. Peter Garrick.”—Witnessed by two of the servants.—Then comes, in Mr. Garrick’s hand-writing, “I have made the above grant by no solicitation of Mr. Panting or his friends,” [by no solicitation I admit—but under whose dominion?] “and because it is my hearty wish he should enjoy my whole property, in preference of every other person, I write this in answer to all enquiries.” In answer to all enquiries! What enquiries? Whose enquiries?—This deed was made in secret—without the knowledge of any one of Mr. Garrick’s friends. Who then is to make these enquiries?—The servants, who witnessed it, were called in merely pro forma. They did not see the deed. To prevent any danger of Mr. Panting’s name being exposed, it was covered with a paper, except where they were to sign their names. But deeply covered as this transaction has been, a court of justice will pierce thro’ the veil drawn over its villainy.

Pleased with his success, the defendant now takes home his deed; but not perfectly satisfied, he afterwards returns, and makes Mr. Garrick sign on the back of the deed which Panting has in his possession; (for, gentlemen, there were two parts of it,) “A copy of this deed, executed, is in my scrutoire, and I have chose this way by “lease and releafe, as I understand it to be irrevocable,

“and I wish it to be irrevocable, thereby to prevent all
 “anxiety in the mind of Mr. Panting, as to trusting
 “to my will.”

Poor man! what anxiety he must feel! how distressing to all good men, to think how very anxious he must be! —The near relatives, the dear friends, the children, as I may call them, of Mr. Garrick might feel; but the anxiety of trusting to Mr. Garrick's will was too much for this virtuous man to feel.

What can be said for a person acting this way? Oh! how it stinks in the nostrils!—and where did Mr. Garrick learn this? of Mr. Hinckley, his confidential attorney? No—In the Mediterranean? No.—But, gentlemen, the defendant knew, at least his brother must know, (for by frequenting the courts, and attending to the judicature of the country, hearing so often the questions that are put to witnesses when examined in these courts, he well knew) it would be asked, why was not Mr. Hinckley called in?—Thinking therefore to do away this question, he makes this poor old man say—“I have not called in
 “my own attorney, as it might raise suspicion in the
 “mind of those who think they have a right to my pro-
 “perty.”—But, gentlemen, suppose Mr. Hinckley had been sent for, and Mr. Garrick had said, “I am going
 “to dispose of my property in a different way to what
 “you may expect; I am going to give it from my re-
 “lations; it may appear strange, but it is my own, and
 “I will dispose of it how I please:”—if he had said thus, and Mr. Hinckley had then refused to have executed this business, knowing that Mr. Garrick was able, and in a state of mind to do it, he would then have been a most excellent witness for the defendant:—but, gentlemen, instead of this, the defendant makes him say—“I would
 “not call in my own attorney, because I would not have
 my

“my peace of mind disturbed by those who think they
“are entitled to my property.”

There are two parts of this, gentlemen; and why? because the defendant was in fear lest Mr. Garrick should, some time in his lucid intervals, discover the one part, and destroy it.—Now if this happened in the present case, his Lordship will tell you, the destroying one part was the destruction of the whole; for this deed was made without consideration, and Mr. Garrick, by destroying one part, shewed his intention of destroying the whole, if in his power.—But apprehensive this might some time be done, the defendant persuades Mr. Garrick to make a subsequent and corroborating will.—Still fearful of it, he asks the servants—“Has Mr. Garrick been at his bureau?—has he ever sent for Mr. Hinckley?—has he looked at his papers?”—Oh! fear of guilt!

Gentlemen, the parts of this deed left with Mr. Garrick, were, according to the apprehensions of the defendant, destroyed by him; at least we may strongly presume they were, as they certainly were destroyed previous to his death, for they could not be found in the bureau when searched for after his death.—The will I have mentioned as a corroborating will was dated in June 1795. This was done, that in case the deeds were cancelled, it should act as a confirmation of the remaining part.—This will recites the lease and release—that Mr. Garrick was possessed of several freehold estates; then corroborates the deeds, and gives Mr. Panting all he had—at the bottom is wrote “To this no witness is necessary.”—No neighbours were called to this will, or to the deed; to the latter the servants only, and then it is covered with paper.—There is still more writing to this will; after saying, “To this no witness is necessary,” he adds, “and I make this disposition, because I wish Mr.
Panting

“Panting to have all my real and personal estate what-
“soever.”

Gentlemen, I am now pleading the cause of a Garrick, of a family to whom I am under many obligations, which I am proud to own, and happy that I can this day in some small sort return:—in doing this, I indeed ought to say in the words of our author—

“Give me an ounce of civet, good apothecary, to
“sweeten my imagination.”

When men commit frauds, they do it in darkness; they do not call witnesses as in contracts and deeds of light—but when the conduct of men comes to be compared in a court like this, it is then that the works of darkness are brought to light, to that light which they cannot bear.

Gentlemen, look at Mr. Panting’s situation—look at him as I have advanced him to be, as a man practising a fraud, and combining as it were against justice, and say what he deserves; it is in this way, and by the criterion of justice which you must judge.

I will for a moment put Mr. Panting out of the question.—Suppose, gentlemen, (I mean not to insult you by the supposition) suppose Mr. Garrick should have met with any of you, and should have said, “I will give you all I have;” considering Mr. Garrick’s situation, I ask you, could you, would you take it?—would you plant a dagger in the breast of a beloved sister, in the breast of her children?—No, gentlemen, I am certain you would not have done it.—But this man, this Panting, what does he say? why, “here is a man prepared
“to give me all he has, and I will take it, and I will
keep

“keep it;” but a man who comes in this way, is one that the law will not endure.—In proportion to the witnesses who are produced, and to their credibility, stands the validity and credit of a deed;—why, to give credit to these, did not the defendant call in witnesses?—because he durst not, for the reasons I have already shewn—thus furnishing a proof, that he knew he had a dominion over Mr. Garrick, which he was afraid of losing.

Where a man is in the state I have described Mr. Garrick to have been in, reason sometimes appears, at others all is confusion; some time reason is for a short time on her seat, but distraction sits in a corner—again he is restored for a while to all, but alas! the whole is the melancholy condition of second childhood.

I beg the attention of your Lordship, and of you, gentlemen of the jury, to what I have heard laid down by a truly great man, a man of great abilities and strong legal knowledge, whose decisions will in after ages be looked up to as monuments of justice, discretion, and equity—I mean Edward Lord Thurlow—I speak of his judgment in the matter, the Attorney General against Panther—where a woman did what was an honor to her to do:—in a quiet lucid interval, when in the perfect possession of her senses, she made a deed, by which she conveyed her property to her husband; this was where affection led it—I was for the husband, but his Lordship decided against me; and happy have I since been that he did so, upon these grounds—he said “it is not the return of reason for an hour or two that shall allow a man to dispose of his property; they ought to have sufficient recollection to ascertain all their property; they ought to have sufficient memory to recollect all their relations, and the relation in which they actually stand to them.”

I have

I have already, gentlemen, lengthened the cause too much; but I am told that it is meant to be shewn that Mr. Garrick was at times in his senses; that he talked rationally to men working in the street. A man, gentlemen, may be sensible at times, but not sufficiently so to dispose of all his property. But these deeds, in the custody of Panting, are, in every sense of the expression, stamp'd with fraud.

Again I must beg to speak of my Lord Thurlow, in the case of Bells and Middleton. A Mr. Wm. Wilcox left his property to John Wilcox; two Middletons were attornies, and more nearly related to Wm. Wilcox than John was. They had before taken John Wilcox out of the work-house, had taken care of him, and kept him; in gratitude for which he, by deed, conveys the whole of this property to them, except a small certain provision for himself. But his lordship set this deed also aside, upon the authority of Pearce against Waring.

On these authorities I contend, that in point of law these deeds must be void;

First, if Mr. Garrick was in his perfect senses, (but he was not) he was by means in a situation capable of making such a disposition.

Secondly, because he was not fit to do it in the manner it was done.—And

Thirdly, because this is a fraud.

For, if it were possible that an honest man should have been concerned in such a nefarious business, he could not have been benefited by it.

The

The servants who are witnesses to these deeds are James Hilcock and Sarah Gough—they are not my witnesses, gentlemen, they are brought here by the defendant—but let some men beware that the same assiduity they have used in transacting this business, be not employed in endeavouring to hide any thing this day. I have warned them what I shall ask, and we shall shortly see if they will speak the truth.

I shall conclude with saying, that as I know what your verdict will be, I have a right to say I know what it will be; because I know it will be founded on justice. I say, gentlemen, your verdict this day will be a preventative and example to others; it may prevent plots which are now laying against infants yet unborn; it will teach men their moral duty, and will shew them, that however thick a veil may be drawn over villainy, a British Court of Justice will break through and discover it.

The first Evidence called on behalf of the Plaintiff,
was

Mr. HINCKLEY,

Examined by Mr. Leycester.

Says—He was concerned as attorney for Mr. Garrick for a number of years, ever since the death of the witness's father, which was in 1772; that he understood he did all the business of Mr. Garrick; to the best of his recollection the first time he was employed to make a will was in 1780; he received instructions from Mr. Garrick himself—they were given verbally. [Mr. Hinckley here adverted to different parts of the will, when the draft was ordered to be read; but as this is not the will under which the plaintiff claim'd, we presume it will be perfectly satisfactory to our readers, merely to state the heads as shortly as possible, to shew its connexion with the subsequent will.] By this will he gave his estate, in the parish of St. Lawrence, in the county of Essex, to his nephew, Carrington Garrick;—to his sister Merrial, wife of Thomas Docksey, esq. all his leasehold premises, under lives or for years; and all other his real estate, whatsoever and wheresoever (except the said estate in Essex) and such as are by way of mortgage, to hold according to his respective interests and terms therein, with benefit of renewal, &c. He then gives certain legacies to his niece Arrabella, wife of Captain Shaw, and his nephews Captain Garrick, David Garrick, and Nathan Garrick; to Mr. R. Bailye, 100l.—to his servant Elizabeth Sadler 300l. and to all other his servants living with him at his death 10l. each—and all his share and interest under the will of his brother David Garrick, esq. he gives to his sister Merrial Docksey, and to his nephews and nieces, share and share alike. All the residue of his personal estate, subject to the payment of his debts, and all his
interest

interest and estates by way of mortgage, he gives to Mr. James Patin ; and appoints his sister Mrs. Docksey, and Mr. Bailye, executors.

Mr. Hinckley was called again in December 1781, to make another will, of which he also has a draft ;—this too was from instructions received from Mr. Garrick. By this will he gave his estate in Essex to his sister Mrs. Docksey—[the reason he assigned for this was, that his nephew Carrington Garrick was dead, but Mr. Hinckley cannot of his own knowledge say, whether Mr. Carrington Garrick was then dead or not.] There were some other alterations—all his interest under the will of his brother—[Mr. David Garrick was not then dead, but had informed his brother how he had disposed of his estates]—he gave to his nephews and nieces.—Mrs. Docksey and Mr. Bailye, executors.

The third will was made in February 1791 ; he took the instructions from Mr. Garrick as before, and after the draft was drawn, he attended Mr. Garrick, and read it over to him ; he approved of it, and the witness caused two parts to be engrossed.—On the 23d of February 1791, he attended Mr. Garrick again, together with his two clerks, to see it executed ; one part was given to Mr. Garrick, in order that he might compare with the other, which was read to him ; both parts were then executed in the presence of Mr. Hinckley and his two clerks, who attested the same. To the best of his recollection all the witnesses were present when the will was read. The duplicates after execution were inclosed in a large sheet of paper, and sealed up with Mr. Garrick's seal of arms : they were left, thus sealed, with Mr. Garrick. [Mr. Hinckley here produced the wills.] Since Mr. Garrick's death he received one duplicate from Mrs. Docksey—this was it—the indorsement was his

clerk's writing—the seal was Mr. Garrick's—it had been opened prior to his receiving it from Mrs. Docksey. The other duplicate he received from Mr. Patin. [Mr. Hinckley here examined the signatures, and proved the execution, which he said was after one part had been read to, and the other compared by, Mr. Garrick.] It is dated 23d February, 1791. By this will he gives

To his niece Mary, wife of James Patin, esq. his estate in Essex.

To his sister Mrs. Docksey, a close or piece of land, called Smithfield, and all other his real estate, to hold, to her, her heirs and assigns for ever—and also the house where he then lived, which was held under lease; and a house then converted into a coach house; to hold according to his interest therein, with all benefit of renewal,

To his said sister—to his nephew David Garrick, and his nieces Mrs. Shaw and Mrs. Patin, a legacy of 3000l. left by the will of his brother David Garrick, esq. and all his interest in and to the residue of his estates under the said will. In case of the death of any of them, leaving children, the share of the parent to go to such children: but in default of issue, then to the survivors.

To Mr. Richard Bailye 100l. clear of stamp duty, and all other deductions.

To Elizabeth Sadler, a clear annuity of 10l. for her life, payable quarterly.

To

To his said sister, all his household and all other his personal estate, subject to his debts and legacies.

Appoints his sister executrix, and Mr. Bailye executor.

Mr. Hinckley lived in Lichfield till Mr. Garrick's death,—at no great distance from him,—not more than a quarter of a mile. They were upon good terms. He does not recollect that he ever saw Mr. Garrick at his own house in the last year of his life :—he saw him in October 1794, on some small business ; to execute which Mr. Hinckley sent his clerk.

Cross-examined by Mr. Plumer.—He believes Elizabeth Sadler is dead, but cannot speak as to the time of her death. When he saw Mr. Garrick, in October, 1794, Mr. Garrick sent for him about preparing a bond. He was with Mr. Garrick but a short space of time—thinks not more than two minutes. He sent his clerk :—his name is Wm. Oakey. From his information he believes the bond was executed. The bond was to Mr. Garrick from one Walker. He has seen it since Mr. Garrick's death, but cannot charge his memory with the amount. Cannot say how long it was before October 1794 that he had seen Mr. Garrick. He did not in general visit Mr. Garrick as a friend, or particular acquaintance, but sometimes did. Mr. Garrick used frequently to visit him ; but does not recollect that he ever dined with Mr. Garrick. Has often called on Mr. Garrick as he passed by the house. Had no doubt at the time the bond was prepared, Mr. Garrick was capable of giving instructions for such an instrument as that. Mr. Hinckley was employed by Mr. and Mrs. Docksey as their attorney ; but by no other part of Mr. Garrick's family except them and himself.

himself.—Mr. Docksey was a gentleman of fortune—thinks he died in 1791—does not recollect seeing Mrs. Docksey with Mr. Garrick in 1794.—Mr. Hinckley was sent for to Mr. Garrick's house on the 13th of December, 1795—it was Sunday—he called on his return from church—Mr. Thomas Panting, the attorney, was there, who produced the deeds, codicil, and will, under which his brother claimed—since then Mr. Hinckley has had copies of them from Mr. Panting, and has sent Mr. Panting a copy of the will made in 1791, under which Mrs. Docksey claims---he sent the names of the witnesses thereto---he examined the witnesses to Mr. Panting's deeds before Mr. Panting came, having been informed that Mr. Garrick had made some disposal of his property --he is not certain whether this was on a subsequent day---on the 24th of December, 1795, he examined them fully---he has had notice to produce the notes he made at that time [this was done, but they could not be read in evidence]---Mr. Panting was not then by, believes no other person was present but himself---Mr. Panting asked if he might be admitted to speak to the servants, but the witness does not recollect the time when---he was going out, so did not attend while Mr. Panting asked the servants such questions.—He examined the scrutoire on the 21st of December---Mr. Garrick died on the 10th of December, 1795---Mr. Garrick was buried upon Saturday---he wrote a note a day or two before to Mr. Stephen Panting, informing him that the papers would be inspected on the Monday following, when any one might attend--this was Monday the 21st---he believes the keys of the scrutoire were brought by Miss Bailye---never saw the duplicates of Mr. Panting's deeds, nor his note, nor any thing but copies ---he recollects a transaction relative to Mr. Garrick's business in October or November 1795 --A letter of attorney was sent from London, to empower some one to receive

receive 1320l. part of a legacy under David Garrick's will, which he believes was sent to a correspondent of Mr. Cobb's---he believes the money was received---it appears by Mr. Cobb's book to have been received on the 21st of November 1795---25l. was paid thereout to a gentleman---does not recollect ever seeing Mr. Garrick after October, 1794, except once in the street---he did not see him when the letter of attorney was executed---the name of Mr. Cobb's correspondent was inserted in that letter of attorney---he does not recollect what month it was when he saw Mr. Garrick in the street, but thinks it was at the latter end of June, or beginning of July, 1795---he spoke to Mr. Garrick, asked him how he did, believes Mr. Garrick answered---it was near Mr. Garrick's own house---he never saw him after.

Re-examined by Mr. Leycester.—Says when he went to Mr. Garrick in October 1794, he had no doubt but he was able to transact business, but he had very little conversation with him, by no means sufficient to judge whether in his sound senses or not; so short a time that he could not form any judgment in such a case—he was going out, and therefore sent his clerk to do the business. The letter of attorney which he received in 1795, was sent in the usual form, ready prepared, except the insertion of the name of the person to receive the money—he had never heard of the deeds produced by Mr. Panting, after Mr. Garrick's death, till 13th Dec.--he was much astonished when he saw Mr. Panting produce them as his brother's title---was not present when the cover of the will of 1791 was unsealed.

Mr. WILLIAM OAKEY.

Examined by Mr. Erskine.—Says he saw the will of 23d February executed by Mr. Garrick, and his name is set thereto as a subscribing witness.

Cross

Cross-examined by Mr. Mills.—He went to Mr. Garrick, when the bond was executed, in the month of October 1794; he believes it was three or four in the afternoon. He received the instructions from Mr. Garrick. On his entering the room Mr. Garrick said, ‘Oh, you are come from Mr. Hinckley to prepare a bond,’ and mentioned that the person then in the room with him was the person—his name is John Walker. Mr. Garrick called him John. He had been a servant of Mr. Garrick’s; who said he had lent John some money, for which a bond was intended to be given. It was for a small sum, but as he made no memorandum, cannot say exactly—thinks it was 55*l.* or thereabouts. Walker mentioned what the sum was, and Mr. Garrick said he believed it was the same as the man mentioned. He filled up the bond at Mr. Garrick’s, and when executed he either gave it to Mr. Garrick, or left it on the table—does not remember that any other conversation passed at that time. He also attended Mr. Garrick in November, 1795, and saw Mr. Garrick then execute the letter of attorney before mentioned—it was about twelve or one o’clock in the day—a writer of Mr. Hinckley’s, a Mr. Francis Sherratt, also attended with him—Mr. Garrick was in his bed-room—he had heard Mr. Garrick had been ill some time before—there was no other person in the room when he went. When he mentioned the business to Mr. Garrick he seem’d to have no recollection about it—he produced the letter of attorney to Mr. Garrick, and gave him a letter which was directed to him—Mr. Garrick said he had no recollection of it—he looked at the letter, and seemed to read—his conversation was quite trifling—he said he should be willing to receive the money, but he knew nothing about it. After being asked several times, he at length signed the power of attorney. Witness took back the letter of attorney—he did not send for Mr. Bailye, or any other person—he was satisfied with the execution of it, as it was a deed for Mr. Garrick’s own benefit.

Re-

Re-examined by Mr. Erskine.—He was, as a man of business, satisfied with Mr. Garrick's execution of the letter of attorney, notwithstanding Mr. Garrick's situation, because he understood it as a deed for Mr. Garrick's interest---he understood Mr. Bailye had the management of Mr. Garrick's affairs, and that the letter of attorney was sent by Mr. Bailye to Mr. Hinckley---he thought there could be no impropriety in attesting such a deed by which no one could be injured---but he certainly could not as a professional man, or indeed as any man, have taken a deed to have passed the whole of Mr. Garrick's property.

[Mr. Hinckley was here asked, if he received the letter from Mr. Bailye, in which the letter of attorney was inclosed---which he said he did.]

Mr. Oakey's examination was then continued.

Mr. Garrick seemed not to have any recollection of the business---said he was willing to receive the money, and supposed as witness came from Mr. Hinckley, that it was right---Mr. Garrick appeared to the witness to be materially altered in October 1794, from what he was some time before---he has known Mr. Garrick for more than 12 years; on recollection, has known him as much as 16 years---when he saw Mr. Garrick in November 1795, he was much more reduced in his person than in October 1794, and his mind seemed as much altered---his memory seemed totally gone---this is not merely his sentiments now, but it is what he observed at that time, and particularly so from Mr. Garrick's repeating questions several times over---Mr. Oakey says, he has frequently waited on Mr. Garrick on different business---some few years back Mr. Garrick was very full of conversation, and very entertaining---in October 1794, he spoke very little, and that little was very different in its manner to his former conversation---in November 1795,

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he was more materially altered—Mr. Garrick mentioned at the time the bond was executed, that John Walker had been his servant.

Re-cross-examined by Mr. Mills.—Cannot recollect how often in 1794, previous to October, he had been with Mr. Garrick—cannot say whether he was at all with him previous to that time in 1794—does not recollect how often he was with him in 1793, whether once or oftener—cannot be certain of any particular business which brings it to his memory when he saw him—from the execution of the will in 1791, to October 1794, he had not seen Mr. Garrick very frequently—cannot recollect any particular business—knows he once waited on Mr. Garrick respecting some property, but does not know the time.

JOHN WALKER.

Examined by Mr. Lane.—He lived servant with Mr. Garrick about 13 years ago—he lived with him about two years and a half. When he quitted Mr. Garrick's service he married, and went to live at Alcott Heath, from whence he removed to Norton. Mr. Garrick came to see him two or three times in every summer, while at Alcott Heath, to spend some time in fishing, of which amusement Mr. Garrick was particularly fond; sometimes he would stay a week or more at a time.—The witness always called on Mr. Garrick when he went to Lichfield, which was by Mr. Garrick's own desire, and generally saw and conversed with him. Mr. Garrick was always very kind to the witness, and lent him money at three different times, for which he gave security—he saw Mr. Garrick in 1794—he thought he was not then the man he used to be—this was at the latter end of the year—the difference he observed was, that Mr. Garrick asked the same questions several times over in a short space of time—he saw Mr. Garrick again in January or February 1795—he took Mr. Garrick three birds, two snipes, and a becket—

a becket—he was in the parlour with Mr. Garrick, who asked him several times over in the space of ten minutes what was the name of the smallest bird, which he as repeatedly told him—The witness went into the kitchen to get some refreshment—Mr. Garrick came in there, and again asked what was the name of the smallest bird, and who it was that sent them, and said he had forgotten—this was in a few minutes after the witness had quitted the parlour.—On the 10th of April 1795, the witness again saw Mr. Garrick at his house in Lichfield—he was then very ill—was sitting in his room by the fire side—on the door being opened, Mr. Garrick asked what noise that was?—Elizabeth Giles (his nurse) told him it was John Walker, his old servant—the witness heard her tell him so—Mr. Garrick said, “I don’t know him”—the witness said, “I heard you was ill, sir, and called to ask you how you did”—Mr. Garrick replied, “I know nothing of you”—after a little time he looked at the witness again, and said, “Damn the man, I know nothing of him, why don’t you get out of the room?”—The witness did not see him again till about Michaelmas—Mr. Garrick then talked to him about Leacroft-Hall, and Mr. Congreve—he asked these questions many times over—nothing else passed then—he saw Mr. Garrick again in about a fortnight—he then asked the witness about the *light feet* on the Common, and how they went on—(the witness lives near Cannock-Wood)—the witness replied, he believed, very well—Mr. Garrick then asked, “have you many hares about you?”—his house-keeper made answer, “Sir, John brought you one last week”—he said he had forgotten that—he did not know how he could make witness amends for what he had brought him at different times, but he believed he must make the witness his heir—from the observations he made at different times, when he saw Mr. Garrick, he thought him by no means fit to transact any business—has heard Mr.

Garrick several times complain, that his memory was so bad, he could scarce remember any thing from one hour to another.

Cross-examined by Mr. Abbott.—It was in April 1795 when he was with Mr. Garrick in his room, and Elizabeth Giles was with him. The money he had from Mr. Garrick was 55l.—it was a year or more before April 1795 that he borrowed it—he gave the bond about half a year before April—he borrowed no more afterwards—he had borrowed 10l. before the 55l. and had given security for that a good while before. When witness was with him at Michaelmas, Mr. Garrick did not know him, till told who he was, but then knew him—Mr. Garrick was a man of humour, and loved a joke formerly, but not lately—he understood that by light feet he meant deer—he did not often talk that way in joke.

THOMAS NEWBOLD,

Examined by Mr. Jervis.—He worked as gardener for Mr. Garrick 37 years—sometimes one day in a fortnight, and sometimes oftener—Mr. Garrick frequently conversed with him in the garden—in December 1794 witness was covering some fig-trees; it was a very sharp frost; Mr. Garrick asked what he was doing---when told, he asked if the figs were ripe, so that he might eat one-- witness said, ‘no, sir,’—“Is there never a one,--or cannot you get me one at Mr. Inge’s?”—Witness said no. He then mentioned several other neighbours, and asked if he could not have one at some of their houses—witness informed him it was not the season for figs—Mr. Garrick said, “when is the time?”—he told him in the summer—Mr. Garrick said he was sorry he could not get a fig.—Mr. Garrick was very attentive to his garden in his better days---always very fond of it, and always gave orders what he would have done in it---in the last year of his life he frequently gave orders to have the same seeds sown

sown on the same day after they had been sown—after sowing them in Mr. Garrick's presence, he would forget they were sown, and order the witness again to sow them, and this almost immediately---these repetitions of orders were very often made in March and April 1795—Mr. Garrick used to pay the witness himself—and more than once or twice, after having paid the witness, he has offered to pay him again in a very short time after—in the same evening—this was about the time of sowing, in March and April—his memory seemed then to be quite gone—he was very far from being the same man he used to be—The witness thinks he was incapable of conducting any business for more than twelve months before his death—he had no more discretion than a child.

Cross-examined by Mr. Pemberton.—Mr. Garrick used to be fond of a joke formerly, but not so of late—the witness could very well distinguish whether he was in jest or serious—he mentioned three neighbours about the figs—he used always to pay the witness when he was his own man—he did not pay the witness for three or four months previous to his death—he paid him in March and April before—the witness cannot say whether Mr. Garrick did or did not pay him in May, June, or July—Mr. Garrick did not appear to know the value of the money he paid---he disputed in last spring about the wages---most, if not all the servants, were present at that time---cannot say whether Lessingham was or not.

Re-examined by Mr. Jervis.---The witness too well knows Mr. Garrick was not in joke when he asked about the figs---his memory was then quite gone at times---the witness might have received his money three or four times over from him, in the same day---the dispute about wages was this: Mr. Garrick gave the witness a shilling, and said, "that is right, is it not?"---the witness replied, "No, sir, it is 18d."---he said he thought a shilling had been right.

Mr.

Mr. RICHARD BAILYE.*

Examined by Mr. Erskine.

Says---He had been acquainted with Mr. Garrick upwards of fifty years, ever since 1739---was at school with him and his brother Mr. David Garrick---was partner with him for eight years, from 1761 to 1769---the witness lived in the same street with Mr. Garrick, and kept up a constant intimacy and friendship with him till his death---by his will in 1791 he left the witness a legacy---there never was any breach or difference between them---he continued to express the same friendship as usual for the witness, so long as he could---in the former part of his life, Mr. Garrick was a very intelligent man, and very much esteemed---was always perfectly affectionate to his kindred---the witness never knew an instance to the contrary---Mr. Bailye has known Mrs. Docksey from his childhood (he is a relation of the Garricks)---Mr. Garrick was always very affectionate and respectful to his sister---in the year 1793 the witness perceived Mr. Garrick was very sensibly altered; both his mind and body seemed wearing out---Mrs. Docksey went to Manchester in August 1793---the witness saw Mr. Garrick during her absence---Mr. Garrick's servant came for him one day, and he went to Mr. Garrick's; who said, he was unhappy and disturbed at his sister's absence, and was afraid he should not see her again: Mr. Bailye asked if he should write to her; Mr. Garrick desired he would; she appeared to be an object of Mr. Garrick's tenderest regard---the witness wrote to her, and she returned---the witness saw them frequently together after her return---Mr. Garrick seemed to have the same fondness and affection for her as usual---Mr. Garrick almost always consulted the witness on his business, scarce ever did any thing

* Mr. Bailye had given a discharge for his legacy, under the will of 1791, and renounced the executorship, in order to be admitted an evidence.

without ---

without---he never mentioned to the witness that he had made any change in the disposition of his property, nor had the witness any suspicion that it was done, though he had frequent unreserved conversations with him, and generally saw him once a week, till his death, and sometimes twice---in December 1794, Mr. Garrick was ill of a diarrhoea, a very rapid one; it exhausted him so much, that the witness thought he could not live a day---he had before observed a gradual decline both of body and mind; his whole faculties were altered; he was not capable of recollecting any thing, or transacting any business---in 1795, or any part of that year, he seemed wholly incapable of doing any thing relative to business---this was obvious to common observation---no one could be mistaken---it could not possibly help being obvious to a medical person---it did not appear the effect of insanity, but merely on account of age, and decay brought on through that and illness---he frequently repeated the same questions over and over.

[Mr. Bailye was here shewn the letter in which the power of attorney had been inclosed.] Witness delivered this letter to Mr. Hinckley---it was brought to him by Mr. Garrick's servant---does not know whether Mr. Garrick had seen it---witness took it to Mr. Hinckley--knew Mr. Garrick was incapable of acting for himself in this business--he had many proofs of this incapacity---did not consider him by any means capable of conducting or managing his affairs---in speaking of Mr. Garrick's incapacity, he speaks as to the whole of the last year. Witness carried a letter to Mr. Garrick in April 1795, which he had received from Mrs. Garrick, the widow of the late David Garrick---he conversed with Mr. Garrick, and told him the subject of the letter, which he took, and affected to read it; but he could give no account of it whatever---his memory seemed to have entirely failed him--there was no laying hold of what he said. Mr. Garrick
was

was collector of the customs at Whitehaven---he had a deputy there---witness received a letter from this deputy with a particular account of the fees due to Mr. Garrick as comptroller, with a draft inclosed for the amount. This was some time after Midsummer 1795---witness went to Mr. Garrick with it---on this occasion he endeavoured to explain to him what the business was, but could not make him understand any thing about it, and came away unhappy and distressed that he could not. Upon the whole has not any doubt whatever, but that during the whole of 1795 Mr. Garrick was incapable of any business whatever.

Cross-examined by Mr. Plumer.—Witness is 77 years of age, but his memory is good; he is a relation and friend of the family—Mr. Garrick's principal friends and companions in 1794 and 1795, were Lord Vernon, Sir Brooke Boothby, and Mr. Lane. He saw very few people in Lichfield. Witness has met the defendant there, as Mr. Garrick's apothecary, but he did not to his knowledge visit as a friend. Has heard that Dr. Jones, Major Bowles, the Rev. Mr. White, and his brother, sometimes visited Mr. Garrick—witness once met the Rev. Mr. Birch there—at Mr. Garrick's last birth-day, Mrs. Docksey, Mr. Panting, Mr. Buckeridge, Major Bowles, and witness, dined there—witness stayed till four or five o'clock in the afternoon, but not to tea—Mr. Garrick talked very little, and that with apparent want of recollection; so that little was said—this birth-day was on the 5th of July, 1795—Mr. Garrick dined with them below stairs—he staid with them as long as witness did—he does not recollect that Mr. Garrick was any better dressed that day than on a common day—Mr. Garrick left the company with witness—Mr. Bailye did not observe that while Mr. Stephen Panting was in company with Mr. Garrick, he behaved with any particular attention or kindness to him. Witness did not dine with Mr. Garrick more than twice

twice after July 1795---does not recollect how often he was with Mr. Garrick at other times except dinner---dined once with him in September last---did not at any time observe that the defendant was any particular favourite of Mr. Garrick's---did not perceive that Mr. Garrick behaved otherwise to the defendant than as a gentleman would to a common apothecary---does not know that Mr. Garrick frequently sent for him, or that he was particularly desirous of his company. Witness dates the incapacity of Mr. Garrick particularly, from December 1794, but his faculties were on the decline in 1793---it arose from a general want of intellect---he was in some degree deranged in August 1793---witness thought him incapable of directing his business properly---cannot say whether he was capable of giving instructions about sending for his sister from Manchester, when witness wrote to her there---cannot say he was capable---nor positively that he was not capable---in April 1795, when the letter was received from Mrs. Garrick, he was quite incapable, and during the whole of 1795 he appeared quite unable to transact any business---his lucid intervals were very short, perhaps one or two hours, Mr. Bailye believes not more---cannot swear they might not sometimes---they might sometimes last for half a day---cannot say how long they might last when he was absent---but when he was with Mr. Garrick, these intervals were but for a very short time---while they continued, he appeared lively and chearful---sometimes they continued only half an hour---he was frequently incapable of answering questions---scarce ever gave a rational answer, but in his lucid intervals---his memory would seem to flash upon him, as it were, at times, but was quickly lost again.

Mr. BAINBRIGGE, one of the Jury,—Said—"there are two sorts of memory, the one a recollective memory, which is sufficient to enable a man to remember his whole acquaintance, to ascertain his property, &c.

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“—the other is an intuitive memory, which is by no means sufficient for these purposes—Do you think Mr. Garrick was possessed of the former of these in a sufficient degree to dispose of his property according to his real intention, if in sound mind?”

Mr. Bailye.—He most certainly was not.

Mr. Plumer.—Did you take the keys of Mr. Garrick to Mr. Hinckley?

Mr. Bailye.—I did not—I believe Mrs. Docksey had the key of the scrutoire.

Re-examined by Mr. Erskine.—Says—Mr. Garrick was more sprightly and collected at sometimes than others; but when most so, had not sufficient recollection to say what his property consisted of, nor who were the whole of his relations—nor by any means capable of disposing of the whole of his property—the witness does mean, by lucid intervals, that Mr. Garrick had his full recollective faculties, and whenever he began to talk of business, his mind became deranged and confused again—Mr. Stephen Panting never mentioned to witness what Mr. Garrick had done for him—Mr. Panting knew witness was a friend of the family, nor did Panting ever say any thing by which witness could collect that he was an object of regard with Mr. Garrick—never mentioned such a thing in the last two days of Mr. Garrick’s life—had no reason to think Mr. Garrick considered Mr. Panting in any other light than as a common apothecary.—Mr. Panting is a man very civil in his manners—he never dropt a hint to witness, by which he could consider him as entitled to Mr. Garrick’s property, nor did Mr. Garrick ever drop such a hint.—What was extraordinary, during all 1795, when any money was to be advanced by Mr. Garrick, or other business done, he sent for witness, to whom Mr. Garrick’s letters were latterly brought.

ELIZABETH

ELIZABETH GILES.

Examined by Mr. Leycester.—Says—She attended Mr. Garrick as his nurse for about three years—for the last two years she slept in his room—was there constantly day and night during the last year—the first year was only there at nights.—In 1794 Mr. Garrick was taken very ill; it was about two months before Christmas—at Christmas he was rather better, but never perfectly well since—his memory before this illness was not so good as it had been in former times—after the illness his memory went worse and worse, it never got better—if witnesses told him any thing, he would ask it over and over again; he seemed to have no recollection; his memory would be quite gone in two or three minutes after he had said or done any thing; this want of memory continued from his illness to the day of his death—witness had frequent occasion to observe it.—Mr. Garrick was always fond of Whitsun-Monday, as he always went to the Bower (a public place near Lichfield.)—On Whitsun-Monday last, (24th May 1795,) she told Mr. Garrick it was Whitsun-Monday, but could not make him understand that it was—her family lived at the Bower, and she wished to have gone home, but he was so bad, she could not leave him—he used at this time to take opium pills; when he was not very ill, he took only one at night, and one in the morning—when he was very ill, he took two at night, and two in the morning—does not know what quantity they contained—the effect they produced was this: in the morning he was very low; when the pills took effect, he was full of spirits—the effect was in general in about three hours; sometimes he took them at nine, sometimes at ten in the morning, according as he came down stairs—when he first rose, he was so low, no one durst ask him for money for necessaries in the kitchen, or other purposes; but when the pills began to operate, he would often go into the kitchen, and while he was in spirits

would do any thing he was asked—he would give his servants money for what they had laid out, and in two or three minutes after he would ask if he had given them the money.—His memory was very bad, even during the time the opium operated.—During the last two years of Mr. Garrick's life, Mr. Panting came there almost every day—in May 1795, she heard Mr. Garrick ask Mr. Panting what he had been upon?—Panting replied, “Business enough,” and put the door too a little—witness then went away.—One day Mr. Garrick was very stupid; he sat in his chair—(it was some time after Whitsuntide 1795, it might be a month after)—Mr. Panting called and said, “What is the matter with Mr. Garrick?”—she replied, “I can't tell, he is very stupid”—Mr. Panting said, “he tells me, he has been among his writings”—she said, “I can't tell whether he has or not”—Mr. Panting then asked, if Mr. Bailye had been there, or Mr. Hinckley?—witness said, they had not—Panting said, he must see Mr. Hinckley, or call upon him—she again said, “Mr. Hinckley has not been here.”—She cannot tell whether Mr. Garrick had been looking at his writings or not—nor did she hear Mr. Panting say any thing to Mr. Garrick about it—Mr. Garrick kept the keys of his bureau, except when he was very ill.

Cross-examined by Mr. Plumer.—Mr. Panting came to Mr. Garrick's frequently; Mr. Garrick seemed very fond of him, and often to wish for his company—he attended Mr. Garrick for about two years before his death—towards the last year, her master sent frequently for Mr. Panting to dine with him, and seemed fond of him—no orders were given to keep any one away from Mr. Garrick, till a few weeks before his death; any one might come who would—gentlefolks called every day before that time—but towards the last, Mr. Panting said company hurt Mr. Garrick on account of his illness.—The pills she knows were opium, but cannot tell what quantity of opium

opium was contained in them; she was sometimes obliged to give Mr. Garrick more than one, but never did without Mr. Panting's direction; they had a good effect on his spirits, and when ever he appeared worse, she applied to Mr. Panting---she had always had a good opinion of Mr. Panting---she was not angry with him on account of her not having a legacy left by Mr. Garrick---she never dropped on her knees, and cursed Mr. Panting---she swears positively, that on the Tuesday or Wednesday after Mr. Garrick's death, she did not say Panting was a d---n'd rogue for having got the property, nor did she wish him at damnation, nor say, if he was there, she would run a red hot poker into him---cannot be sure she did not say something of this kind---is not sure that she did---cannot say---she believes she did not say it--to the best of her knowledge she never did---if she did, others did as well---she cannot believe any thing about it---the other part she has sworn is true---she don't believe she said so, she does not remember that she did, she cannot remember any thing about it.

Re-examined by Mr. Leycester. — Says---nobody ever charged her with saying as above before Mr. Plumer did ---Mr. Hiccock said something to her about perjury and a pillory; he was the first she heard say any thing of it---she does not know what she said so---she did not receive any directions, whether she should let Mr. Garrick's friends see him or no.

Mr. EDWARD STRINGER.

Examined by Mr. Lane. ---Has been collector of taxes for Lichfield four or five years--recollects calling on Mr. Garrick on the 21st of May 1795, with an account of what was due from Mr. Garrick, who took the account, and walked away with it towards the garden; he stood some time by the garden door, as if looking at it; then turned and asked what it was for; Mr. Garrick did not seem

seem to understand the writing, though he looked at it; witness told him what it was, yet he afterwards repeatedly asked what it was, and why witness staid, full as many as ten times, and this after witness had repeatedly told him, and he seemed to have understood what was said; he seemed to know what it was about for a moment, but to forget again instantly. Witness waited near half an hour before Mr. Garrick offered to pay him: his servant told him he had better fetch the money, and pay it; on which he went part of the way up stairs by himself: the servants looked at each other; one of the women told the footman, he had better follow his master, which he did. Mr. Garrick seemed incapable of fetching the money himself; he wanted no assistance in walking, but his memory failed. Mr. Garrick and his servant came down stairs, and the money was paid to witness.---Mr. Garrick was not capable of transacting the business Mr. Stranger called upon---witness had known Mr. Garrick 30 years; had observed a material alteration in him for the last three years---during the last year, his memory seemed quite gone---it seemed going off for the last three years---he did not joke, or any thing of that kind, to the witness's knowledge, during the last year.

Cross-examined by Mr. Mills.---He does not recollect that he saw Mr. Garrick more than twice in the last year---when he called about the taxes, Mr. Garrick seemed frequently to forget the circumstance of his being there, and why he was there---cannot speak as to the particular state of Mr. Garrick's mind in that year, as he conversed very little with him on any thing else but the bill of the taxes.

MR. CHARLES ALLPORT.

Examined by Mr. Jervis.---Has known Mr. Garrick 30 years---frequently saw him of late years---was not a very near neighbour of Mr. Garrick's, but attends the office of Mr. Fletcher, the next door to Mr. Garrick's---he frequently

quently met Mr. Garrick in the street, during the last year; his memory seemed very bad---witness was satisfied that at sometimes Mr. Garrick did not know him, and at other times he appeared to know him---witness called on Mr. Garrick regularly every year since 1789 for the rent of a seat in the cathedral—he waited on Mr. Garrick in July 1794, for the seat rent, as usual—he said, “what seat have I?”—witness told him, a seat in the cathedral.—Mr. Garrick asked, “Have I a seat in the cathedral?”—witness explained to him that he had, by informing him, that he had one which was occupied by Mrs. Docksey, but requested he would recollect, that he had directed witness always to call on him for the rent, and never to ask Mrs. Docksey for it—he then seemed to recollect it, and paid it to witness.—Mr. Allport called again at Mr. Garrick’s in July last, for the rent then due.—Mr. Garrick did not seem to recollect any thing about it, and after some conversation he seemed so much at a loss, that witness told him he would call again in a few days; he then left him without the rent, and called again in a few days, or a week—he did not then seem to understand the business, but said, “What do I owe you?” witness replied 1l. 10s. it was for rent.—Mr. Garrick or his servant (witness does not recollect which) produced a purse, and laid down two guineas—witness gave the change, and left him—Mr. Garrick did not appear to understand what it was for.

Cross-examined by Mr. Abbot—Witness cannot say whether Mr. Garrick frequented the cathedral, as witness seldom goes there, he in general going to St. Mary’s—Mr. Garrick mentioned to witness more than once or twice, that witness should call on him, and not on Mrs. Docksey, for the rent.

Mr. FERNYHOUGH.

Examined by Mr. Erskine.—Says—he is one of the vergers of the cathedral; has known Mr. Garrick 25 years

years, and upwards; lived opposite to him, very near to Mr. Garrick's house—Mr. Garrick was at witness's house most days when he could get out—witness observed a change in Mr. Garrick's body and mind three years ago, and Mr. Garrick himself said that his memory failed him—it seemed to arise from a general decay—witness remembers Mr. Garrick's illness in December 1794—he was with him when he was taken—it appeared to witness to be a stroke—he jumped off his seat, and looked wild—witness was alarmed, and called in the servants—they took Mr. Garrick into the kitchen, from thence to a small room adjoining, and then to his own room—witness then went to Mr. Panting, knowing him to be Mr. Garrick's apothecary, and afterwards called on Mrs. Docksey to inform her of it.—Witness saw Mr. Garrick again in January 1795; it was some time between the 19th of January and 9th of February—this he knows, because he had the care of the Deanery House, which he let to Capt. Fotheringham; and his own house not being aired, he staid there till the 9th of February, with the Captain's consent—he is certain it was between those days—Mr. G. seemed remarkably chearful when witness went to him—he had sent for witness, and at first going in he seemed glad to see witness, and shook hands with him, and desired him to drink some ale—Mr. Garrick himself drank nothing that evening but two tumblers of water—witness staid with Mr. Garrick till near eleven; does not know that he ever staid so late before—Mr. Garrick said, “Neighbour, are you in want of any money? I have a large quantity by me, more than I can spend in my lifetime. I would have you take it, and buy some land; and I'll give you some money to buy a cow, and I hope you will let me have some milk from her.”—Witness thanked him, and told him he did not want any money, but if he did, he would call on Mr. Garrick for it—Mr. Garrick said he should like to buy a parcel of land from
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the old—but would not say *old* what—witness said, from the old turnpike: Mr. Garrick seemed to wish to explain himself farther; he made attempts to do it, but could not—witness then mentioned Ashmore Brook—Mr. Garrick still endeavoured to say where, but not being able, witness to relieve him said, “I suppose you mean the lane by Pipe-hall?”—Mr. Garrick seemed quite lost—Mr. Fernyhough asked if it was the land lying near the new road leading from London to Liverpool? but could not get him to express where he meant---witness did not take any money; he thinks he could have any deed, or any thing else from Mr. Garrick, if he had wished for it ---he saw Mr. Garrick frequently after his memory was very short---by intervals he would speak rationally, but it was for a short space---witness is sure Mr. Garrick was not able to do business---the intervals when he talked rationally were very short, never lasted long---he is certain Mr. Garrick was not possessed of his recollective faculties ---he was not able at his best intervals to do business, or dispose of his vast property; nor could he recollect what his property was, or in any degree ascertain his affairs --witness often attempted to explain things to him, but could not---was frequently obliged to give up the attempt ---had Mr. Fernyhough been asked to witness such a deed as that of Mr. Panting's, he could not as an honest man have done it.---Mr. Garrick frequently offered witness money---for the space of ten weeks---and press'd him much to take it, and wanted to know why he would not take it---witness never did take any; he has seven children, but as an honest man he could not take it---though his circumstances were then none of the best, yet he could not in conscience take it---he could not do such a thing as that.

Cross-examined by Mr. Plumer.—Mr. Plumer said,—“I think, Mr. Fernyhough, you seem rather a dry gentleman?”

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Mr. Fernyhough replied,—“ At this moment I am very dry, sir.”—He then says, he never knew an acquaintance of his recover of a complaint like Mr. Garrick’s.—Was often with Mr. Garrick in December 1794—very often—he has seen Mr. Panting there, but not very often—witness believes he himself was a favorite of Mr. Garrick’s, and so indeed were all his family—he heard after Mr. Garrick’s death that Mr. Panting was a favorite of Mr. Garrick’s, but he never heard so before—witness dined with Mr. Garrick frequently in the last year, but when Mr. Garrick grew so very pressing for witness to take his money, he did not go so often.

Re-examined by Mr. Erskine.—Never saw a deed or paper there relating to Mr. Panting—he has often seen Mr. Panting go into Mr. Garrick’s, but not often met with him there—Mr. Panting never said to witness, that he was Mr. Garrick’s heir, nor did he ever hear that Mr. Panting was more to Mr. G. than a common apothecary.

Mr. SAMUEL WILCOX.

Examined by Mr. Lane.—Has known Mr. Garrick more than 30 years—there has been a material alteration in Mr. Garrick of late times, more so in the last two years : the alteration was very considerable ; Mr. Garrick seemed to have quite lost his memory, and as to his faculties in general, they were much decayed, and seemed gradually wearing out—witness did not call so frequently of Mr. Garrick in late days as formerly, Mr. Garrick was so very infirm, and witness could not often stay with him so long as Mr. Garrick wished.—Witness called on Mr. Garrick in February 1795 ; he was a good deal deranged, but witness was convinced he knew him at first—he sat down—Mr. Garrick rose from his chair, and put the door to ; took hold of the button of witness’s coat, and said he had a 50l. note which witness must take with him—witness said, “ Mr. Cobb is your banker, sir.” Mr. Garrick

Garrick replied, "Oh! aye, oh! yes," and sat down again—he stayed with Mr. Garrick as much as two hours—Mr. Garrick asked him several questions twenty times over—when witness rose to go, Mr. Garrick took a key out of his pocket, and said, "You must take the note with you;—" witness answered, "Mr. Cobb, sir, is your banker, and you cannot change him for a better"—he said, "Oh! yes, oh yes," and twice repeated, "You shall be my banker."—Witness saw him frequently from that time till his death.

WALTER HALL,

Examined by Mr. Jervis.—On the 10th or 11th of June, Mr. Garrick was in the street---about 10 or 15 yards from his own house, he call'd to witness to know where he was---he was quite lost, & beckoned to witness, and cried out "here"---witness asked if he should take him home---he did not speak, but appeared to wish to go home---witness took him by the arm, and when they were about mid-way from where witness first saw Mr. Garrick, he stopped and said, "you are taking me wrong"—witness told him he was quite right--he was just at his own door---witness took him to his own door, and one of the servants received him there---Mr. Garrick had known witness for many years, but did not appear to know him then.

Mrs. HAND.

Examined by Mr. Erskine.—Well knew the late Mr. Garrick—she was with him when Miss Gresley was married--it was in January 1795—[A copy of the register was produced]—The bells were ringing on account of the wedding---she told Mr. Garrick of it--that Miss Gresley was married to Mr. Willoughby---he asked if Miss Gresley lived in Lichfield---she answered, "sir, you have often seen her pass by your door with Miss Adams."--He then asked, "who is she?"---witness said, "the grand-daughter of old Lady Gresley"---[he had often drank tea, and was well acquainted with Lady Gresley]
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He asked if Lady Gresley lived in Lichfield---witness told him she was dead, and Miss Gresley had since lived lived with her aunt Mrs. Gramer---(Mr. Garrick was intimate with her,--she lived in the same street)---he asked who Mrs. Gramer was, and if she lived in Lichfield.

Mr. PLUMER.—My lord, and gentlemen of the jury, as so long a portion of your time has been taken up by my learned friend, and the evidence he has adduced, I trust you will deem me entitled to a small part of your time. This ejectment is brought, gentlemen, to recover possession of two closes of land near Lichfield. It never was my intention to dispute the validity of the will made by Mr. Garrick in 1791. After this declaration, however anxious I may be to adduce witnesses on behalf of Mr. Panting, to vindicate the character of himself and his brother, yet as that evidence would not entitle me to your verdict in this cause, and would keep his lordship and you here many hours longer, I do not hold myself justified in calling it. Mr. Panting's counsel may be of opinion (it is probable we are so) that this evidence would be sufficient to exonerate Mr. Panting in the eyes of his lordship, of you gentlemen of the jury, and of the numerous other persons who are here assembled; but as it will not prove the legal title of my client to the estate in dispute, I shall not adduce it. I respectfully intreat his lordship and you, will not lay any farther imputation on the character of Mr. Panting, than what has been proved against him by the evidence you have heard. I rely, gentlemen, on your generosity not to lay any farther charge upon him. I admit that *prima facie* evidence of Mrs. Docksey's title has been adduced, and shall therefore not detain you by proceeding any farther on this ejectment.

BARON THOMSON—I think, Mr. Plumer, you act perfectly right, and very wisely for your client.

Verdict for Plaintiff.